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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

EXAMINER: Nihir Patel Docket No. 3418-A-23
APPLICANT: Marler et al. Date: May 26, 2006
SERIAL NO.: 10/654,797 Art Unit: 3743
FILED: September 4, 2003 Confirmation No. 8070
FOR: HEAT AND MOISTURE FILTER EXCHANGER AND METHOD

PETITION TO WITHDRAW HOLDING OF ABANDONMENT BASED
ON FAILURE TO RECEIVE OFFICE ACTION

Technology Center 3700
Commissioner For Patents
P. O. Box 1450
Alexandria, Virginia 22313-1450

Sirs:

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450

May 26, 2006

(Date of Deposit)

William C. Cahill

Name of applicant, assignee or Registered Rep.

Signature

5/26/2006
Date

The Office is respectfully requested to withdraw the Notice of Abandonment mailed May 17, 2006. Applicants' attorney did not receive a Notice of Allowance.

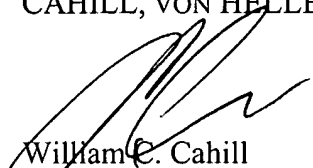
According to the Transaction History records on the Patent Office web site for Serial No. 10/654,797, a Notice of Allowance was mailed on August 11, 2004. Enclosed is Exhibit A which includes our docketing records from August 10, 2004 through September 28, 2004 listing everything received from the Patent Office and identified by our docket number. A review of the exhibit demonstrates there is no entry for our Docket No. 3418-A-23 (Serial No. 10/654,797). Also enclosed is Exhibit B which is a copy of the attorney file jacket for attorney Docket No.

3418-A-23 (Serial No. 10/654,797) showing no entry for the receipt of a Notice of Allowance.

Applicants' attorney William C. Cahill hereby submits his attached Declaration indicating that the Notice of Allowance was never received as evidenced by the enclosed copies of Exhibits A and B. Applicants' attorney hereby petitions to withdraw the holding of abandonment and requests that the Patent Office re-issue a Notice of Allowance for the above-identified patent application.

Respectfully submitted,

CAHILL, VON HELLENS & GLAZER P.L.C.



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Docket No. 3418-A-23